IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 2010 (SS) OF 2005

Km. Anuradha,
D/o Sri Surat Singh Yadav,
Village Faugi Matkota,
Rudrapur,
District Udham Singh Nagar. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary, Education.
2. Director, Basic Education, Dehradun.
3. District Education Officer, Udham Singh Nagar.
4. Principal Primary School Kalinagar, Gadarpur, Distt.- Udham Singh Nagar. .....Respondents.

23.12.2005

Hon'ble Rajesh Tandon, J.

Heard Sri D.S. Patni, learned counsel for the petitioners and learned Standing Counsel, who has accepted notice on behalf of respondents no. 1 to 4.

Both the parties have agreed that let the matter be finally disposed of at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the impugned transfer order dated 30th June, 2005 passed by respondent no. 3 (Annexure No. 1 to the writ petition).

Briefly stated, according to the petitioner, he was initially appointed as Assistant Teacher in Primary School, Kalinagar vide office order No. 19/Appointment/2003-4 dated 26.05.2003 and she joined there on 31.07.2003.

According to the petitioner, she has worked diligently with utmost satisfaction of his superiors and there is no complaint or inquiry pending against her.

The petitioner has challenged the order dated 30th June, 2005 primarily on the ground that petitioner was transferred from Primary School, Kalinagar, Gadarpur, which comes under accessible (SUGAM) category and the place where she has been transferred comes under inaccessible (DURGAM) category.

Learned counsel for the petitioner has submitted that the petitioner has got appointment in the year, 2003 and the first joining of the petitioner was at Primary School, Kalinagar, Gadarpur and she has not completed two years of service in the aforesaid school, therefore, the impugned order is violative of transfer policy.

Learned counsel for the petitioner has further submitted that in Primary Schools for 40 students, there is provision of one Assistant Teacher and the total strength of the students in Primary School, kalinagar is 124 and more than three teachers are required for them and the total 4 teachers are there including the petitioner.

The petitioner has submitted that the distance between the residence of the petitioner to the place of transfer is approximately 26 km. And there is no direct conveyance to Primary School Basantipur and one has to walk on foot for a distance of approximately 7 kilometers and pass through a lonely area.

Petitioner has further submitted that she is the only earning member of the family and her old age parents are dependent on her and it is not possible for them to go with their daughter to the new transferred place.

The petitioner has further submitted that she made a representation dated 20.10.2005 to respondents stating therein

her grievances for canceling the impugned transfer order, but the same has not yet been disposed of.

The grievance of the petitioner is that his representation dated 21.10.2005 (Annexure-3) regarding his grievance has not yet been decided, due to which the petitioner is facing irreparable loss.

In view of the above, the respondents are directed to decide the representation (Annexure-3) filed by the petitioner within a period of three weeks from the date of production of the certified copy of the order.

However, the transfer order dated 30th June, 2005 shall remain in abeyance till the disposal of the representation.

Writ petition is disposed of accordingly at the admission stage. No order as to costs.

(Rajesh Tandon, J.)

23.12.2005
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